

REMARKS

I. Introduction

Claims **1-38** are pending in the application. Claims **1**, **6-7**, and **31** are independent. Claim **8** stands objected to for allegedly failing to further limit a parent claim and all pending claims stand rejected. In particular:

(A) claims **13** and **24** stand rejected under 35 U.S.C. §112, 1st paragraph as allegedly failing to comply with the written description requirement;

(B) claims **7-8**, **17**, **19-21**, and **25-29** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,324,520 (hereinafter “Walker”);

(C) claims **1-4**, **6**, and **9** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of “PTS: Vending Machine Refund System” (hereinafter “PTS”);

(D) claims **5** and **10** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of PTS, in further view of U.S. Patent No. 7,286,901 (hereinafter “Whitten”);

(E) claims **11-15**, **18**, **23-24**, and **30** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten;

(F) claim **16** stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten, in further view of PTS; and

(G) claims **31-38** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of U.S. Patent Application Publication No. US 2002/0099662 (hereinafter “Joshi”).

Upon entry of this amendment, which is respectfully requested, claims **39-43** will be added, of which, claim **39** is independent. No new matter is believed to be introduced by these amendments.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.114.

II. The Examiner's Objection

Claim 8 stands objected to for allegedly failing to further limit a parent claim. Applicants respectfully traverse this rejection.

While independent parent claim 7 does recite receiving “a request for a product” from a customer, it only describes determining that a customer service issue exists based on “input received at the vending machine and from the customer” – the *actual* “receiving” of the input is NOT claimed in independent parent claim 7.

Thus, dependent claim 8 does further limit independent parent claim 7 by *requiring* the *actual* receiving of the input (from the customer) at the vending machine (*e.g.*, to infringe dependent claim 8).

Accordingly, Applicants respectfully request that this ground for objection be **withdrawn**.

III. The Examiner's Rejections

A. 35 U.S.C. §112, 1st paragraph – Written Description

Claims 13 and 24 stand rejected under 35 U.S.C. §112, 1st paragraph as allegedly failing to comply with the written description requirement. Applicants traverse this ground for rejection as follows.

1. Presumption of Adequate Written Description

Applicants initially and respectfully note that a “**description as filed is presumed to be adequate**, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, *e.g.*, *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971).” MPEP §2163 III.A.; emphasis added. In fact, “[t]here is a **strong presumption** that an adequate written description of the claimed invention is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976).” MPEP §2163 I.A.; emphasis added.

Accordingly, “[t]he **examiner has the initial burden** of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an

applicant's disclosure a description of the invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97.” MPEP §2163 III.A.; emphasis added.

In rejecting a claim, **the examiner must set forth express findings of fact** regarding the above analysis which support the lack of written description conclusion. These findings should:

(A) Identify the claim limitation at issue; and

(B) Establish a prima facie case by providing reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed. A general allegation of "unpredictability in the art" is not a sufficient reason to support a rejection for lack of adequate written description.

MPEP §2163 III.A; emphasis added.

2. Detail of Well-Known Terms Not Required

Applicants also respectfully note that “[t]he absence of definitions or details for well-established terms or procedures should not be the basis of a rejection under 35 U.S.C. 112, para. 1, for lack of adequate written description.” MPEP §2163 II.A.1. “Information which is well known in the art need not be described in detail in the specification. See, e.g., *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379-80, 231 USPQ 81, 90 (Fed. Cir. 1986).” MPEP §2163 II.A.2. Indeed, “[i]f a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating “the description need not be in *ipsis verbis* [i.e., “in the same words”] to be sufficient”).” MPEP §2163 II.A.3.(a).

3. Required Factual Determinations

Applicants further respectfully note that determination of “[w]hether the specification shows that applicant was in possession of the claimed invention is not a single, simple determination, but rather **is a factual determination reached by considering a number of factors**.” MPEP §2163 II.A.3.(a).(i).; emphasis added.

The factors outlined in MPEP §2163 as being necessary to consider in formulation of a *prima facie* case of lack of written description include:

1. level of skill and knowledge in the art;
2. partial structure;
3. physical and/or chemical properties;
4. functional characteristics alone or coupled with a known or disclosed correlation between structure and function; and
5. the method of making the claimed invention.

4. The Examiner's Case as Set Forth

The Examiner states, with respect to claim **13**, that “the written description fails to recite a movie trailer or a game being played using the vending machine of the failure to play a movie trailer or a game by the vending machine.” Final Office Action, pg. 3, second paragraph.

The Examiner also states, with respect to claim **24**, that “the written description fails to recite the view of the jammed product being impeded.” Final Office Action, pg. 3, third paragraph.

5. The Examiner Has Failed to Set Forth a *Prima Facie* Case

Applicants note that the Examiner has failed to set forth *any* evidence supporting the conclusion that one of ordinary skill in the art would not have understood the inventor to be in possession of the claimed invention at the time of filing. Nor has the Examiner provided any findings regarding the factors required by MPEP §2163.

Further, even if the Examiner had set forth some amount of evidence supporting the allegation that Applicant's specification lacked written description for the concepts recited in claims **13** and **24**, since each such concept is present in the specification as filed (*e.g.*, at least pg. 25, lines 24-26 (games and movie trailers not operating properly and thus constituting customer service issues) and pg. 40, lines 20-24 (malfunctioning product rows blocked from view)), there exists a “**strong presumption**” that the specification meets the written description requirement. Accordingly, the Examiner's burden of proof is heightened with respect to the above-noted concepts. Since *absolutely*

no evidence has been provided by the Examiner, this heightened burden of proof has certainly not been met.

Further yet, since the above-noted concepts are quite simplistic and are immediately recognizable and understandable, at least upon reading Applicants' disclosure as filed, the specification need not contain a detailed description of these terms to satisfy the written description requirement. In other words, the presentation of the above-noted concepts in the specification as-filed, without more, is believed by Applicants to be of well-known nature to one of ordinary skill in the art at the time of the invention.

At least for these reasons, the Examiner has simply and entirely failed to establish a *prima facie* case for lack of written description, and the §112, first paragraph ground for rejection should therefore be withdrawn with respect to claims **13** and **24**.

At least for these reasons, Applicants respectfully request that this §112, 1st paragraph ground for rejection of claims **13** and **24** be **withdrawn**.

B. 35 U.S.C. §103(a) – Walker

Claims **7-8**, **17**, **19-20**, and **25-29** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker. Applicants traverse this ground for rejection as follows.

1. No *Prima Facie* Case of Obviousness

The Examiner has failed to address or consider (much less resolve) any of the requisite factual inquiries as set forth in *Graham v. John Deere*. The Examiner has further failed to set forth any reason that would have led one of ordinary skill in the art to modify the cited reference as suggested by the Examiner. At least for these reasons, as described in more detail hereinafter, the Examiner has failed to establish a *prima facie* case for obviousness.

a) No Reason to Modify is Evident

The Examiner has failed to establish a *prima facie* case for obviousness for any of claims **7-8, 17, 19-20, and 25-29** at least because the Examiner has provided no argument, much less evidence (much less substantial evidence) that there would have been some reason for someone of ordinary skill in the art to modify the cited reference to read on the pending claims.

The Examiner merely asserts that “it would have been obvious” to provide the features of the above-noted claims believed by the Examiner to be missing from the cited reference, by modifying the cited reference to include such features. Applicants respectfully note that the Examiner’s opinion does not constitute evidence, much less the substantial evidence required to support a *prima facie* case of obviousness.

Accordingly, at least because the Examiner has (i) failed to provide or describe any reason one would have had to modify the cited reference and (ii) failed to support any reason to modify with *any* evidence on the record, the Examiner has failed to set forth a *prima facie* case for obviousness of claims **7-8, 17, 19-20, and 25-29**.

Applicants therefore respectfully request that these §103(a) rejections of claims **7-8, 17, 19-20, and 25-29** be **withdrawn**.

b) No Factual Inquiries Resolved

Applicants respectfully note that the factual inquiries that must be resolved to establish a *prima facie* case of obviousness, as set forth in *Graham v. John Deere*, may be summarized as follows: (i) determine the scope and content of the prior art; (ii) ascertain the differences between the prior art and the claims at issue; (iii) resolve the level of ordinary skill in the pertinent art; (iv) and consider objective evidence (*e.g.*, secondary considerations).

Applicants further respectfully note that the Examiner has provided no evidence in support of a *prima facie* case for obviousness, nor has the Examiner resolved *any* of the factual determinations required by *Graham v. John Deere*. Within such an evidentiary

vacuum, the Examiner's unsupported conclusory statement that it would have been obvious to modify Walker to achieve the claimed embodiments, is entirely meaningless.

At least for these reasons, the Examiner has entirely failed to establish a *prima facie* case for obviousness, and the §103(a) ground for rejection of claims **7-8, 17, 19-20, and 25-29** should therefore be **withdrawn**.

C. 35 U.S.C. §103(a) – Walker, PTS

Claims **1-4, 6, and 9** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of PTS. Applicants traverse this ground for rejection as follows.

1. No *Prima Facie* Case of Obviousness

The Examiner has failed to address or consider (much less resolve) any of the requisite factual inquiries as set forth in *Graham v. John Deere*. The Examiner has further failed to set forth any reason that would have led one of ordinary skill in the art to combine the cited references as suggested by the Examiner. At least for these reasons, as described in more detail hereinafter, the Examiner has failed to establish a *prima facie* case for obviousness.

a) No Reason to Modify is Evident

The Examiner has failed to establish a *prima facie* case for obviousness for any of claims **1-4, 6, and 9** at least because the Examiner has provided no argument, much less evidence (much less substantial evidence) that there would have been some reason for someone of ordinary skill in the art to combine the cited references to read on the pending claims.

The Examiner merely asserts that “it would have been obvious” to combine the cited references to read on the above-noted claims. Applicants respectfully note that the Examiner's opinion does not constitute evidence, much less the substantial evidence required to support a *prima facie* case of obviousness.

Accordingly, at least because the Examiner has (i) failed to provide or describe any reason one would have had to combine the cited references and (ii) failed to support any reason to combine with *any* evidence on the record, the Examiner has failed to set forth a *prima facie* case for obviousness of claims **1-4, 6, and 9**.

Applicants therefore respectfully request that these §103(a) rejections of claims **1-4, 6, and 9** be **withdrawn**.

b) No Factual Inquiries Resolved

Applicants respectfully note that the factual inquiries that must be resolved to establish a *prima facie* case of obviousness, as set forth in *Graham v. John Deere*, may be summarized as follows: (i) determine the scope and content of the prior art; (ii) ascertain the differences between the prior art and the claims at issue; (iii) resolve the level of ordinary skill in the pertinent art; (iv) and consider objective evidence (*e.g.*, secondary considerations).

Applicants further respectfully note that the Examiner has provided no evidence in support of a *prima facie* case for obviousness, nor has the Examiner resolved *any* of the factual determinations required by *Graham v. John Deere*. Within such an evidentiary vacuum, the Examiner's unsupported conclusory statement that it would have been obvious to combine Walker and PTS to achieve the claimed embodiments, is entirely meaningless.

At least for these reasons, the Examiner has entirely failed to establish a *prima facie* case for obviousness, and the §103(a) ground for rejection of claims **1-4, 6, and 9** should therefore be **withdrawn**.

D. 35 U.S.C. §103(a) – Walker, PTS, Whitten

Claims **5** and **10** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of PTS, in further view of Whitten. Claims **5** and **10** are believed patentable at least for depending upon patentable base claims (*i.e.*, claims **1**

and 7, respectively) and at least for the reasons described in relation thereto herein. Applicants also traverse this ground for rejection as follows.

1. No *Prima Facie* Case of Obviousness

The Examiner has failed to address or consider (much less resolve) any of the requisite factual inquiries as set forth in *Graham v. John Deere*. The Examiner has further failed to set forth any reason that would have led one of ordinary skill in the art to combine the cited references as suggested by the Examiner. At least for these reasons, as described in more detail hereinafter, the Examiner has failed to establish a *prima facie* case for obviousness.

a) No Reason to Modify is Evident

The Examiner has failed to establish a *prima facie* case for obviousness for any of claims **5** and **10** at least because the Examiner has provided no argument, much less evidence (much less substantial evidence) that there would have been some reason for someone of ordinary skill in the art to combine the cited references to read on the pending claims.

The Examiner merely asserts that “it would have been obvious” to combine the cited references to read on the above-noted claims. Applicants respectfully note that the Examiner’s opinion does not constitute evidence, much less the substantial evidence required to support a *prima facie* case of obviousness.

Accordingly, at least because the Examiner has (i) failed to provide or describe any reason one would have had to combine the cited references and (ii) failed to support any reason to combine with *any* evidence on the record, the Examiner has failed to set forth a *prima facie* case for obviousness of claims **5** and **10**.

Applicants therefore respectfully request that these §103(a) rejections of claims **5** and **10** be **withdrawn**.

b) No Factual Inquiries Resolved

Applicants respectfully note that the factual inquiries that must be resolved to establish a *prima facie* case of obviousness, as set forth in *Graham v. John Deere*, may be summarized as follows: (i) determine the scope and content of the prior art; (ii) ascertain the differences between the prior art and the claims at issue; (iii) resolve the level of ordinary skill in the pertinent art; (iv) and consider objective evidence (*e.g.*, secondary considerations).

Applicants further respectfully note that the Examiner has provided no evidence in support of a *prima facie* case for obviousness, nor has the Examiner resolved *any* of the factual determinations required by *Graham v. John Deere*. Within such an evidentiary vacuum, the Examiner's unsupported conclusory statement that it would have been obvious to combine Walker and PTS and Whitten to achieve the claimed embodiments, is entirely meaningless.

At least for these reasons, the Examiner has entirely failed to establish a *prima facie* case for obviousness, and the §103(a) ground for rejection of claims **5** and **10** should therefore be **withdrawn**.

E. 35 U.S.C. §103(a) – Walker, Whitten

Claims **11-15**, **18**, **23- 24**, and **30** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten. Claims **11-15**, **18**, **23- 24**, and **30** are believed patentable at least for depending upon a patentable base claim (*i.e.*, claim **7**) and at least for the reasons described in connection therewith herein. Applicants traverse this ground for rejection as follows.

1. No *Prima Facie* Case of Obviousness

The Examiner has failed to address or consider (much less resolve) any of the requisite factual inquiries as set forth in *Graham v. John Deere*. The Examiner has further failed to set forth any reason that would have led one of ordinary skill in the art to combine the cited references as suggested by the Examiner. At least for these reasons, as

described in more detail hereinafter, the Examiner has failed to establish a *prima facie* case for obviousness.

a) No Reason to Modify is Evident

The Examiner has failed to establish a *prima facie* case for obviousness for any of claims **11-15, 18, 23- 24, and 30** at least because the Examiner has provided no argument, much less evidence (much less substantial evidence) that there would have been some reason for someone of ordinary skill in the art to combine the cited references to read on the pending claims.

The Examiner merely asserts that “it would have been obvious” to combine the cited references to read on the above-noted claims. Applicants respectfully note that the Examiner’s opinion does not constitute evidence, much less the substantial evidence required to support a *prima facie* case of obviousness.

Accordingly, at least because the Examiner has (i) failed to provide or describe any reason one would have had to combine the cited references and (ii) failed to support any reason to combine with *any* evidence on the record, the Examiner has failed to set forth a *prima facie* case for obviousness of claims **11-15, 18, 23- 24, and 30**.

Applicants therefore respectfully request that these §103(a) rejections of claims **11-15, 18, 23- 24, and 30** be **withdrawn**.

b) No Factual Inquiries Resolved

Applicants respectfully note that the factual inquiries that must be resolved to establish a *prima facie* case of obviousness, as set forth in *Graham v. John Deere*, may be summarized as follows: (i) determine the scope and content of the prior art; (ii) ascertain the differences between the prior art and the claims at issue; (iii) resolve the level of ordinary skill in the pertinent art; (iv) and consider objective evidence (*e.g.*, secondary considerations).

Applicants further respectfully note that the Examiner has provided no evidence in support of a *prima facie* case for obviousness, nor has the Examiner resolved *any* of

the factual determinations required by *Graham v. John Deere*. Within such an evidentiary vacuum, the Examiner's unsupported conclusory statement that it would have been obvious to combine Walker and Whitten to achieve the claimed embodiments, is entirely meaningless.

At least for these reasons, the Examiner has entirely failed to establish a *prima facie* case for obviousness, and the §103(a) ground for rejection of claims **11-15, 18, 23-24, and 30** should therefore be **withdrawn**.

F. 35 U.S.C. §103(a) – Walker, Whitten, PTS

Claim **16** stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Whitten, in further view of PTS. Claim **16** is believed patentable at least for depending upon a patentable base claim (*i.e.*, claim **7**) and at least for the reasons described in connection therewith herein. Applicants also traverse this ground for rejection as follows.

1. No *Prima Facie* Case of Obviousness

The Examiner has failed to address or consider (much less resolve) any of the requisite factual inquiries as set forth in *Graham v. John Deere*. The Examiner has further failed to set forth any reason that would have led one of ordinary skill in the art to combine the cited references as suggested by the Examiner. At least for these reasons, as described in more detail hereinafter, the Examiner has failed to establish a *prima facie* case for obviousness.

a) No Reason to Modify is Evident

The Examiner has failed to establish a *prima facie* case for obviousness for claim **16** at least because the Examiner has provided no argument, much less evidence (much less substantial evidence) that there would have been some reason for someone of ordinary skill in the art to combine the cited references to read on the pending claim.

The Examiner merely asserts that “it would have been obvious” to combine the cited references to read on the above-noted claim. Applicants respectfully note that the Examiner’s opinion does not constitute evidence, much less the substantial evidence required to support a *prima facie* case of obviousness.

Accordingly, at least because the Examiner has (i) failed to provide or describe any reason one would have had to combine the cited references and (ii) failed to support any reason to combine with *any* evidence on the record, the Examiner has failed to set forth a *prima facie* case for obviousness of claim **16**.

Applicants therefore respectfully request that this §103(a) rejection of claim **16** be **withdrawn**.

b) No Factual Inquiries Resolved

Applicants respectfully note that the factual inquiries that must be resolved to establish a *prima facie* case of obviousness, as set forth in *Graham v. John Deere*, may be summarized as follows: (i) determine the scope and content of the prior art; (ii) ascertain the differences between the prior art and the claims at issue; (iii) resolve the level of ordinary skill in the pertinent art; (iv) and consider objective evidence (*e.g.*, secondary considerations).

Applicants further respectfully note that the Examiner has provided no evidence in support of a *prima facie* case for obviousness, nor has the Examiner resolved *any* of the factual determinations required by *Graham v. John Deere*. Within such an evidentiary vacuum, the Examiner’s unsupported conclusory statement that it would have been obvious to combine Walker and PTS and Whitten to achieve the claimed embodiments, is entirely meaningless.

At least for these reasons, the Examiner has entirely failed to establish a *prima facie* case for obviousness, and the §103(a) ground for rejection of claim **16** should therefore be **withdrawn**.

G. 35 U.S.C. §103(a) – Walker, Joshi

Claims **31-38** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Walker in view of Joshi. Applicants traverse this ground for rejection as follows.

1. No *Prima Facie* Case of Obviousness

The Examiner has failed to address or consider (much less resolve) any of the requisite factual inquiries as set forth in *Graham v. John Deere*. The Examiner has further failed to set forth any reason that would have led one of ordinary skill in the art to combine the cited references as suggested by the Examiner. At least for these reasons, as described in more detail hereinafter, the Examiner has failed to establish a *prima facie* case for obviousness.

a) No Reason to Modify is Evident

The Examiner has failed to establish a *prima facie* case for obviousness for any of claims **31-38** at least because the Examiner has provided no argument, much less evidence (much less substantial evidence) that there would have been some reason for someone of ordinary skill in the art to combine the cited references to read on the pending claims.

The Examiner merely asserts that “it would have been obvious” to combine the cited references to read on the above-noted claims. Applicants respectfully note that the Examiner’s opinion does not constitute evidence, much less the substantial evidence required to support a *prima facie* case of obviousness.

Accordingly, at least because the Examiner has (i) failed to provide or describe any reason one would have had to combine the cited references and (ii) failed to support any reason to combine with *any* evidence on the record, the Examiner has failed to set forth a *prima facie* case for obviousness of claims **31-38**.

Applicants therefore respectfully request that these §103(a) rejections of claims **31-38** be **withdrawn**.

b) No Factual Inquiries Resolved

Applicants respectfully note that the factual inquiries that must be resolved to establish a *prima facie* case of obviousness, as set forth in *Graham v. John Deere*, may be summarized as follows: (i) determine the scope and content of the prior art; (ii) ascertain the differences between the prior art and the claims at issue; (iii) resolve the level of ordinary skill in the pertinent art; (iv) and consider objective evidence (*e.g.*, secondary considerations).

Applicants further respectfully note that the Examiner has provided no evidence in support of a *prima facie* case for obviousness, nor has the Examiner resolved *any* of the factual determinations required by *Graham v. John Deere*. Within such an evidentiary vacuum, the Examiner's unsupported conclusory statement that it would have been obvious to combine Walker and Joshi to achieve the claimed embodiments, is entirely meaningless.

At least for these reasons, the Examiner has entirely failed to establish a *prima facie* case for obviousness, and the §103(a) ground for rejection of claims **31-38** should therefore be **withdrawn**.

IV. New Claims

New claims **39-43** are believed to be patentable over the cited references at least for the reasons otherwise presented herein. Further, after reviewing the cited references, Applicants believe that the Examiner has failed to show how the cited references teach, suggest, or render obvious, alone or in combination, at least:

(i) *establishing, by the vending machine and in response to the receiving of the indication of the malfunction, a communication link between the vending machine and a remote customer service device operated by a customer service representative (claims 39-43);*

(ii) *transmitting, by the vending machine and after the establishing of the communication link, information provided by the customer, to the remote customer service device operated by the customer service representative (claims 39-43);*

(iii) *receiving, by the vending machine and from the remote customer service device operated by the customer service representative, and in response to the transmitting of the information provided by the customer, an instruction to output a resolution to the customer (claims 39-43);*

(iv) *outputting, by the vending machine and in response to the receiving of the instruction to output the resolution to the customer, the instructed resolution to the customer (claims 39-43);*

(v) *wherein the resolution is based on the diagnostic data transmitted by the vending machine to the remote customer service device operated by the customer service representative (claim 41);*

(vi) *wherein the resolution is based on the information provided by the customer and transmitted by the vending machine to the remote customer service device operated by the customer service representative (claim 42); or*

(vii) *wherein the resolution is based on at least one of: (i) an identity of the customer; (ii) an assessed genuineness of the information provided by the customer; and (iii) an assessed value of the customer (claim 43).*

V. Conclusion

At least for the foregoing reasons, it is submitted that all pending claims are now in condition for allowance, *or in better form for appeal*, and the Examiner's early re-examination and reconsideration are respectfully requested. Applicants' silence with respect to any comments made in the Final Office Action does not imply agreement therewith.

If there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-438-6867 or via e-mail at cfincham@finchamdowns.com, at the Examiner's convenience.

VI. Petition for Extension of Time to Respond and Fees

Enclosed herewith is the appropriate **\$810.00** fee for filing of a Request for Continued Examination (RCE), for which this Amendment is an RCE Submission.

Also enclosed herewith is the surcharge fee of **\$480.00** for filing five (5) total claims over the highest amount previously paid for, and one (1) independent claim over the highest amount previously paid for.

Applicants also hereby petition for a **two-month extension** of time and authorize the charge of **\$490.00** to Applicants' Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Applicants' Deposit Account No. 50-0271.

Furthermore, should any other extension of time be required or any other fee be due, please grant any extension of time which may be required to make this Amendment timely, and please charge any required fee to Applicants' Deposit Account No. 50-0271.

Respectfully submitted,

September 25, 2009
Date

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